

GOVERNMENT  
EXHIBIT

3

## ACCUSATION

WITNESSES: See last page of Accusation.

CASE NO. 01-CR-921-A  
DOCKET NO.  
DA NO. 9440  
SUPERIOR COURT  
BARROW, GEORGIA  
AUGUST TERM, 2001

THE STATE OF GEORGIA  
VS.

WILLIAMS, KENNETH BRANDON

CT. 1/ 10 years serve 18 months, CTS since 7/29/01  
\$2500 fine, \$200 restitution to Randy Thompson  
CT. 2/ 10 years serve 18 months conc. to Ct. 1

1 THEFT BY TAKING (O.C.G.A. § 16-8-2)  
2 AGGRAVATED ASSAULT (O.C.G.A. § 16-5-21)

TIM MADISON  
DISTRICT ATTORNEY

Gloria M. Wall 10/22/01  
GLORIA WALL  
CLERK SUPERIOR COURT

The Defendant herein waives formal arraignment,  
and  
Pleads \_\_\_\_\_ Date \_\_\_\_\_

TIM MADISON  
DISTRICT ATTORNEY

DEFENDANT

ATTORNEY FOR DEFENDANT

The Defendant herein waives formal arraignment,  
and  
Pleads guilty Date 10/22/01

Tim Madison  
TIM MADISON  
DISTRICT ATTORNEY

Brandon Williams  
DEFENDANT

Ken R. Chest  
ATTORNEY FOR DEFENDANT

I hereby certify that the  
following is a true and  
correct copy as filed in the  
Office of Clerk of Superior  
Court of Barrow County  
Georgia.

This August 15, 2018  
[Signature]  
Clerk/Deputy Clerk

**COUNT NO. 1**

TIM MADISON, District Attorney, in the name and behalf of the citizens of Georgia, does hereby charge and accuse

WILLIAMS, KENNETH BRANDON

with the offense of THEFT BY TAKING (O.C.G.A. § 16-8-2) for that the said accused, in Barrow County, on or about July 28, 2001, did unlawfully take a 1992 Ford Explorer, the property of Randy Thompson, with the intention of depriving said owner of said property, contrary to the laws of said State, the good order, peace and dignity thereof.

TIM MADISON  
DISTRICT ATTORNEY

**COUNT NO. 2**

TIM MADISON, District Attorney, in the name and behalf of the citizens of Georgia, does hereby charge and accuse

WILLIAMS, KENNETH BRANDON

with the offense of AGGRAVATED ASSAULT (O.C.G.A. § 16-5-21) for that the said accused, in Barrow County, on or about July 28, 2001, did unlawfully make an assault upon the person of R.A. Holcomb, with a Ford Explorer, an object, which when used offensively against a person is likely to result in serious bodily injury by intentionally ramming his vehicle into R.A. Holcomb's vehicle while R. A. Holcomb was inside of it, contrary to the laws of said State, the good order, peace and dignity thereof.

TIM MADISON  
DISTRICT ATTORNEY

## **ACCUSATION**

**DEFENDANT(S):**  
**WILLIAMS , KENNETH BRANDON**

**CASE NO.**  
**DOCKET NO.**

### **WITNESSES:**

**R A Holcomb , Prosecutor**  
**Winder Police**  
**Phone (W): 770-867-2156**

**Randy D. Thompson , Victim**  
**284 Highway 211**  
**Winder, GA 30680**  
**Phone (H): 770-867-2200**  
**Phone (W): 770-867-2180**

**Officer Whitmire, Witness**  
**Winder Police**

**Tim Burke , Witness**  
**Barrow County Sheriff's Office**  
**33 Woodlawn Ave.**  
**Winder, GA 30680**

**John Blocker , Witness**  
**Winder Police**

## IN THE SUPERIOR COURT OF BARROW COUNTY, GEORGIA

STATE OF GEORGIA

§ Case No.

§ Charge(s)

§

vs

Brandon Williamsunknown serial 01-CR-921-A  
Theft by taking motor vehicle;  
Aggravated Assault

## PLEA OF GUILTY ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

I, Brandon Williams, am the defendant in the above-styled case and am charged with the above offense(s). I am showing to the Court that I understand my rights and am waiving them by answering the questions below. Understanding those rights, it is my wish, of my own free will, to enter a plea of guilty to the offense(s) of above

years old; I can/cannot read and write; I work as in custody I am 18.

## PLEASE PUT INITIALS IN THE CORRECT BLANK AFTER EACH QUESTION.

1. Do you understand that you don't have to do, say or sign anything showing that you are guilty of the offense(s) charged unless you want to? YES BW NO \_\_\_\_\_
2. Are you now under the influence of any drugs, medicine, or alcohol? YES \_\_\_\_\_ NO BW
3. Have you read the indictment/accusation charging you? YES BW NO \_\_\_\_\_
4. Do you understand completely what you are charged with? YES BW NO \_\_\_\_\_
5. Do you understand that you have a right to a jury trial? YES BW NO \_\_\_\_\_
6. Do you want to be tried by a jury? YES \_\_\_\_\_ NO BW
7. Do you understand that you have the right to make the State bring in witnesses to testify under oath at a trial and that you or your lawyer have the right to question and cross-examine them? YES BW NO \_\_\_\_\_
8. Do you understand that the Court can make any witnesses you have come into court to testify in your defense? YES BW NO \_\_\_\_\_
9. Do you want any witnesses, either for or against you, brought into court for trial? YES \_\_\_\_\_ NO BW
10. Do you understand that you do not have to enter a plea to any charge unless the Grand Jury has heard sworn evidence and charged you in an indictment? YES BW NO \_\_\_\_\_
11. Do you understand that for the offense(s) of above you could be sentenced to 30 yrs? YES BW NO \_\_\_\_\_

12. Do you understand that whatever sentence is given by the Court, it can be made to start after the completion of any sentence you are now serving? YES BW NO \_\_\_\_\_

Georgia  
Office of Clerk of Superior  
Court of Barrow County

This August 13, 2018  
Cassidy King  
Clerk/Deputy Clerk

13. Do you understand that if you are now on probation or parole, a plea of guilty may result in a revocation of your probation or parole?

YES BW NO \_\_\_\_\_

14. Do you understand that if you are not a citizen of the United States, that a guilty plea to the above offense(s) could result in your deportation?

YES BW NO \_\_\_\_\_

15. Do you understand that, even though the State may make a recommendation concerning your sentence, the Court does not have to accept this recommendation?

YES BW NO \_\_\_\_\_

16. Are you satisfied with what your lawyer has done for you? YES BW NO \_\_\_\_\_

17. Do you understand all of the questions you have answered so far?

YES BW NO \_\_\_\_\_

18. Understanding all your rights, do you want to enter a plea of guilty to this offense(s)? YES BW NO \_\_\_\_\_

19. Is your decision to plead made freely and voluntarily? YES BW NO \_\_\_\_\_

20. Has anyone made any threats or promises to you or used any force against you in order to cause you to plead guilty? YES ● NO BW

21. Did you in fact commit the offense(s) in the indictment/accusation?

YES BW NO \_\_\_\_\_

22. Are you in fact guilty as charged in the indictment/accusation?

YES BW NO \_\_\_\_\_

I, Brandon Williams, understand all the questions above and have shown that I understand and waive my rights by putting my initials in the correct blank after each question.

Brandon Williams  
DEFENDANT

**CERTIFICATE OF ATTORNEY**

I, Kevin Christopher, am counsel for the Defendant in the above-styled case and I hereby certify that I have investigated the facts of this case and the evidence available to the State and I believe that it is in the best interest of my client to plead guilty to the offense(s) of

above. I further certify that I have reviewed all the above questions with my client and am assured that me client understands them and that s/he has indicated his/her understanding of his/her rights and his/her waiver of them by initialing the appropriate blank after each question.

Kevin Christopher  
Attorney for Defendant

Date

11/10/22/01

## IN THE SUPERIOR COURT OF BARROW COUNTY, GEORGIA

STATE OF GEORGIA

§ Case No.

unnumbered

vs

§ Charge(s)

Theft by taking motor vehicle;

§

Aggravated AssaultBrandon WilliamsORDER

The Court has reviewed the formal acknowledgement and waiver of rights of the defendant attached hereto and has ascertained that the understanding and waiver of rights represented thereby is both intelligent and voluntary, in particular, from questioning of the defendant and his/her counsel and from the aforesaid acknowledgement of waiver, the Court has affirmatively determined that (1) there is a factual basis for the plea of guilty; (2) that the defendant understands the nature of the charges against him/her and the consequences of this plea; (3) that the accused is pleading freely and voluntarily, uninfluenced by the slightest hope of benefit or the remotest fear of injury; (4) that the accused is in fact guilty; (5) that there has been a knowing and voluntary waiver of trial by jury, confrontation of witnesses, and the privilege against self-incrimination.

WHEREFORE, the Court accepts the tendered plea of guilty. Further ORDERED, that this order and the defendant's acknowledgement and waiver of rights, with certificate of counsel attached, be filed as a part of the record in this case.

This 22nd day of October, 2001.

  
JUDGE, Superior Court  
Piedmont Judicial Circuit

GLORIA M. WALL, CLERK

01 OCT 22 PM 12:00

RECEIVED  
SUPERIOR COURT  
BARROW COUNTY, GA.



SUPERIOR COURT OF Barrow  
THE STATE OF GEORGIA

COUNTY, GEORGIA

FINAL DISPOSITION  
CRIMINAL ACTION NO. 01-CR-921-A

VS

Kenneth Brandon WilliamsSUPERIOR COURT  
BARROW COUNTY, GA.

01 OCT 22 PM 3:02

OFFENSE(S) Ct.1 - Theft By Taking  
Ct.2 - Aggravated AssaultPLEA  
☒ NEGOTIATED  
☐ GUILTY ON COUNTS 1,2  
☐ INOLO CONTENDERE ON  
COUNT(S) \_\_\_\_\_  
☐ TO LESSER INCLUDED  
OFFENSE(S) \_\_\_\_\_GLORIA M. WALL, CLERK  
☐ JURY  
☒ NON-JURYOVERSIGHT  
☐ GUILTY ON  
COUNT(S) \_\_\_\_\_  
☐ NOT GUILTY  
ON COUNT(S) \_\_\_\_\_  
☐ GUILTY OF INCLUDED  
OFFENSE(S) OF \_\_\_\_\_  
ON COUNT(S) \_\_\_\_\_TERM, 20 01  
OTHER DISPOSITION  
☐ INOLLE PROSEQUI ORDER ON  
COUNT(S) \_\_\_\_\_  
☐ DEAD DOCKET ORDER ON  
COUNT(S) \_\_\_\_\_  
☐ Merge

ON COUNT(S) \_\_\_\_\_

DEFENDANT WAS ADVISED OF HIS RIGHT TO HAVE THIS SENTENCE REVIEWED BY THE SUPERIOR COURTS SENTENCE REVIEW PANEL

☐ FELONY SENTENCE☐ MISDEMEANOR SENTENCEWHEREAS, the above-named defendant has been found guilty of the above stated offense, WHEREUPON, it is ordered and adjudged by the Court that; The said defendant is hereby sentenced to a confinement for the period of Ct.1 - 10 years Ct.2 - 10 years concurrent  
(credit for time served since July 29, 2001) \_\_\_\_\_ in the State Penal System or such other institution as the Commissioner of the State Department of Corrections may direct, to be computed as provided by law.

However, it is further ordered by the Court:

☐ 1) THAT the above sentence be served on probation☒ 2) THAT upon service of 18 months (Ct.1 & Ct.2) of the above sentence, the remainder of 8 years 6 months may be served on probation PROVIDED that the said defendant complies with the following general and other conditions imposed by the Court as part of this sentence. Probationer is to contact the Probation Office within 5 day of release from incarceration.

## CONDITIONS OF PROBATION

## YOU MUST:

- ☒ 1) Obey all laws and avoid persons of disreputable or harmful character.
- ☒ 2) Abstain from the use of alcohol and narcotics and submit to random alcohol/drug screenings by any law enforcement officer.
- ☒ 3) Work faithfully and not change your present residence or leave the jurisdiction of the Court without permission.
- ☒ 4) Report to the probation Supervisor as directed and allow such Supervisor to visit you wherever you are.
- ☒ 5) Comply with OCGA 24-4-60 requiring DNA testing and all costs associated with the process.
- ☒ 6) Pay probation supervision fee of \$20.00 + 3.00 per month, to the Probation Office beginning 30 days upon release.
- ☐ 7) Perform \_\_\_\_\_ hours of community service as directed by the Probation Supervisor, to be completed at the minimum rate of eight (8) hours per week.
- ☐ 8) Verify weekly attendance at ☐ Alcoholics Anonymous ☐ Narcotics Anonymous for \_\_\_\_\_ consecutive weeks.
- ☒ 9) Be truthful with the Probation Officer.
- ☐ 10) Provide proof to the Probation Officer of completion/attendance of evaluation/treatment for ☐ Mental Health, ☐ substance abuse, or ☐ Domestic Violence at own expense.
- ☐ 11) No contact/No violent contact with \_\_\_\_\_
- ☐ 12) Supervised under Intensive Probation Supervision and conditions thereof, including 96 hours Community Service.
- ☐ 13) Probation to be terminated/non-reporting upon payment of fine and recommendation of probation supervisor.
- ☐ 14) Abide By Any Curfew as established by the Probation Officer.
- ☐ 15) Defendant to be remanded to a State \_\_\_\_\_ Center/Program to remain for a period of \_\_\_\_\_ abiding by all rules of said Center/Program. The probationer shall serve \_\_\_\_\_ in custody suspended upon entrance to said Center/Program.
- ☒ 16) It is further ordered that the Defendant pay a fine in the amount of \$200 plus \$50.00 or 10% whichever is less pursuant to O.C.G.A. 15-21-70 plus 10% Jail Penalty Fee, plus 5% pursuant to O.C.G.A. 15-21-131, ☐ plus 10% OCGA 40-6-391 - DUI/Spinal Injury Surcharge, plus ☐ DUI Surcharge (\$25), \$25(M) or \$50(F) each count pursuant to SB218-Crime Lab Fee, court costs of \$3, ☐ plus 50% drug surcharge if applicable, and pay restitution in the amount of \$145.00 to Randy Thompson. Payments are to be made to the State Probation Office beginning on 30 days upon release at the rate of \$145.00 per month.
- ☒ 17) Transfer supervision to the county of residence
- ☐ 18) Waive 4th Amendment Rights five
- ☒ 19) Other Conditions: \$2,500 + surcharges

It is FURTHER ORDERED of the Court, and the defendant is hereby advised that the Court may, at any time revoke any conditions of this probation and/or discharge the defendant from probation. The probationer shall be subject to arrest for violation of any condition of probation herein granted. If such probation is revoked, the Court may order the execution of the sentence which was originally imposed or any portion thereof in the manner provided by law after deducting therefrom the amount of time the defendant has served on probation.

The defendant was represented by the Honorable Karin Christopher Attorney at Law, Barrow County by (Employment/Appointment)So ordered this 22 day of October, 20 01.Judge, David Superior Court

Certificate of Service - This is to certify and acknowledge that a true and correct copy of this Final Disposition has been delivered in person and the defendant has been duly instructed regarding the condition as set forth.

This 22nd day of October, 2001.Probation Officer WalterDefendant Brandon Williams

I hereby certify that the following is a true and correct copy as filed in the Office of Clerk of Superior Court of Barrow County Georgia

This August 15, 2018  
Denise

Clerk/Denise Clerk

## IN THE SUPERIOR COURT OF BARROW COUNTY

STATE OF GEORGIA

DOCKET NO. 01CR921A

vs.

OFFENSE: THEFT BY RECEIVING AGGRAVATED ASSAULT  
BARROW COUNTY, GA.

KENNETH BRANDON WILLIAMS

## MOTION TO AMEND PROBATION SENTENCE

WHEREAS, this Court did sentence the above named Defendant on the 22ND day of OCTOBER, 2001, as follows: (CT 1) 10 YEARS SERVE 18 MONTHS CREDIT FOR TIME SERVED SINCE 7/29/01, REMAINDER OF 8 YEARS 6 MONTHS TO BE SERVED ON PROBATION; (CT 2) 10 YEARS SERVE 18 MONTHS CREDIT FOR TIME SERVED SINCE 7/29/01, REMAINDER OF 8 YEARS 6 MONTHS TO BE SERVED ON PROBATION, CONCURRENT WITH COUNT 1.

WHEREAS, the Defendant violated the terms and conditions of probation as follows: **CONDITION #1** OBEY ALL LAWS AND AVOID PERSONS OR PLACES OF HARMFUL CHARACTER IN THAT DEFENDANT COMMITTED THE NEW OFFENSE OF POSSESSION OF MARIJUANA (LESS THAN ONE OUNCE) IN GLYNN COUNTY, GA ON OR ABOUT 6/21/03. **CONDITION #4** REPORT TO THE PROBATION SUPERVISOR AS DIRECTED AND ALLOW SUCH SUPERVISOR TO VISIT YOU WHEREVER YOU ARE IN THAT DEFENDANT FAILED TO REPORT TO THE WAYCROSS PROBATION OFFICE ON 4/3/03, 5/1/03, 6/5/03 OR ON ANY SUBSEQUENT DATE. **CONDITION #16** PAY FINES / SURCHARGES IN THE AMOUNT OF \$2978 AND RESTITUTION IN THE AMOUNT OF \$200 TO THE WINDER PROBATION OFFICE AT THE RATE OF \$145 PER MONTH TO BEGIN 2/1/03 IN THAT DEFENDANT'S CURRENT ARREARS TOTAL \$725; DEFENDANT HAS FAILED TO MAKE ANY PAYMENT AT ALL. **CONDITION #6** PAY PROBATION SUPERVISION FEE IN THE AMOUNT OF \$23 PER MONTH TO BEGIN 2/1/03 IN THAT DEFENDANT'S ARREARS TO THE WAYCROSS PROBATION OFFICE CURRENTLY TOTAL \$115; DEFENDANT HAS FAILED TO MAKE ANY PAYMENT AT ALL.

WHEREAS, the Defendant waives his/her right to a revocation hearing and his/her right to legal counsel at said hearing and admits to the above-cited violations.

WHEREAS, the Defendant and the Probation Office respectfully request the Court to amend the Defendant's probated sentence to provide for the following additional condition(s): REVOKE 120 DAYS TO THE BARROW COUNTY JAIL TO BE SUSPENDED UPON HIS ENTRANCE AND SUCCESSFUL COMPLETION OF NOT LESS THAN 120 AND NOT MORE THAN 180 DAYS AT A STATE PROBATION DETENTION CENTER. UPON RELEASE FROM CONFINEMENT DEFENDANT SHALL BE SUPERVISED UNDER INTENSIVE PROBATION SUPERVISION AND WILL BE PLACED IN A HALFWAY HOUSE APPROVED BY PROBATION OFFICE. SAID DISPOSITIONS ARE TO RUN CONCURRENT WITH WAYCROSS CASE 02R-031. UPON RELEASE FROM CONFINEMENT DEFENDANT MUST REPORT TO THE WINDER PROBATION OFFICE WITHIN 24 HOURS OF RELEASE. ALL ORIGINAL TERMS AND CONDITIONS OF PROBATION ARE TO REMAIN IN EFFECT. ALL CONDITIONS ADDED HEREIN ARE CONSIDERED SPECIAL CONDITIONS AND ARE DONE PURSUANT TO O.C.G.A. 42-8-34.1.

THIS 9th DAY OF ~~AUGUST~~ <sup>September</sup>, 2003.

Kenneth Brandon Williams  
Defendant, KENNETH B. WILLIAMS

Beverly Grant  
Probation Officer BEVERLY GRANT  
Piedmont Judicial Circuit

Bm C. Mills  
Recommended

Adamson  
Approved  
ORDER

This Court having read and considered the Motion to Amend Probation Sentence, the Court finds based on the affidavit attached hereto that the Defendant freely, voluntarily and knowingly joined in said motion.

The Motion is hereby granted and so ordered, this 12 day of August, 2003.

Robert Adamson  
Superior Court Judge, ROBERT ADAMSON  
Piedmont Judicial Circuit

I hereby certify that the following is a true and correct copy as filed in the Office of Clerk of Superior Court of Barrow County Georgia.

This August 15, 2018  
Clerk/Deputy Clerk



IN THE SUPERIOR COURT OF BARROW COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA

DOCKET NO. 01CR921A

vs.

OFFENSE: THEFT BY TAKING, AGGRAVATED  
ASSAULT

KENNETH BRANDON WILLIAMS

**AFFIDAVIT**

Comes now the Defendant in the above styled case, before an Officer duly authorized to administer oaths, and does swear and depose as follows:

I understand that I am charged with the violation of the terms and conditions of my probation based upon the facts contained in the Motion To Amend Probated Sentence. I further understand that I have the right to have a Judge determine whether the facts alleged in the Motion To Amend Probated Sentence are true, and if they are true, whether they constitute a violation of the terms and conditions of my probation. I further understand the following:

- a. If a probation revocation hearing were held that I would be presumed to be innocent;
- b. If a probation revocation hearing were held that I would have the right to confront the witnesses that testify against me;
- c. If a probation revocation hearing were held that I would have the right to subpoena witnesses to testify in my behalf;
- d. If a probation revocation hearing were held that I would have the right to testify and to offer other evidence in my behalf;
- e. If a probation revocation hearing were held that I would have the right not to incriminate myself;
- f. If a probation revocation hearing were held that I may be represented by an attorney at said hearing.

I understand that by joining with the Probation Office in the attached motion, that I waive all other rights set forth above in this affidavit.

I have read or have had read to me the above affidavit. Any of the terms of the affidavit that I did not understand have been explained to me and I fully understand the content and meaning of the affidavit.

This 9<sup>th</sup> day of September, 2003.

Kenneth Williams  
Defendant, KENNETH BRANDON WILLIAMS

WITNESSED BY:

Bon C Mills  
Witness Signature

09-09-03  
Date